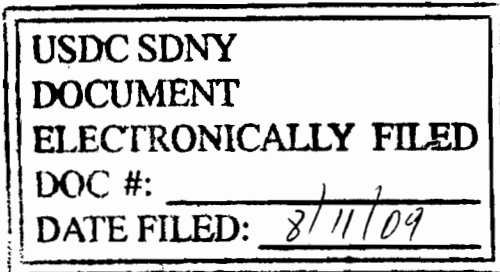


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- x

RICHARD ALDERMAN, et al., :

Plaintiffs, : 09 Civ. 2418 (TPG)

- against - : **OPINION**

21 CLUB INC. and ORIENT-EXPRESS :  
HOTELS, INC. d/b/a 21 CLUB :

Defendant. :

----- x

In this action employees of the 21 Club assert two causes of action. The first is that they were not paid the overtime required under federal statute. The second is that they were denied gratuities they were entitled to under state law.

Defendants move to dismiss on the ground that the first claim is subject to arbitration and the second claim is preempted by federal law.

The complaint is worded as if it were taken from a form book. It is entirely lacking in any statement of what the precise dispute is about. Therefore, it is impossible to determine whether the specific defenses asserted are applicable.

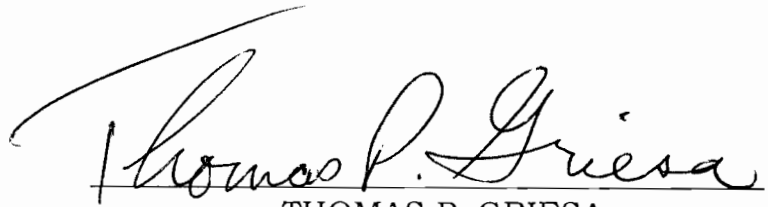
The complaint is dismissed, with leave to replead with the required specific allegations of wrongdoing. If the amended complaint is not filed and

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served by October 15, 2009, the complaint will be considered finally dismissed.

SO ORDERED.

Dated: New York, New York  
August 11, 2009



THOMAS P. GRIESA  
U.S.D.J.